

SUMMARY MINUTES

REGULAR COUNCIL MEETING

March 27, 2012

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, March 27, 2012, beginning at 7:11 p.m.

(Phonetic spelling of each speaker's name may be used throughout the minutes unless correct spelling is known.)

Note: The actual agenda and all backup materials for each City Council meeting can be found at: www.northmiamifl.gov

Flag salute led by Chief Marc Elias, Jr.

Inspirational Message

- ◆ Pastor Jack, Impact Miami Church

ROLL CALL

Councilwoman Steril	Here
Councilman Galvin	Here
Mayor Pierre	Here
Vice Mayor Marcellus	Here
Councilman Blynn	Here

Additions, Deletions or Withdrawals

Tab L moved before Tab K

SPECIAL PRESENTATION(s)

- ◆ Proclamation in honor of *Purchasing Month*

Mayor Pierre presented a Proclamation, to *Ruby Crenshaw-Johnson, Purchasing Director*, in honor of *National Purchasing Month*; Whereas Mayor Pierre proclaimed March 2012, to be *National Purchasing Month*, in the City of North Miami. Ms. Crenshaw-Johnson thanked staff, Tiffany Nunn and Ashley Leroy, present to accept the award.

CITY EVENTS – ANNOUNCEMENT

Pam Solomon, Public Information Officer, announced upcoming events for the City of North Miami.

CONSENT AGENDA

TAB A - APPROVAL OF MINUTES

– Regular Council Meeting – March 13, 2012

TAB B – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTIFICATE OF PARTICIPATION WITH MIAMI-DADE COUNTY FOR A GRANT FROM THE MIAMI-DADE COUNTY ASSOCIATION OF CHIEFS OF POLICE (MDCACP) COUNTYWIDE PRISONER PROCESSING PROJECT

TAB C – PROPOSED RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR A GRANT FROM THE URBAN AND COMMUNITY FORESTRY PROGRAM

TAB D – PROPOSED RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A GRANT FROM THE ZERO TOLERANCE IMPAIRED DRIVING ENFORCEMENT PROGRAM

TAB E – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND MIAMI-DADE COUNTY FOR FUNDING FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM

TAB F – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE SODIUM HYPOCHLORITE, A CHEMICAL COMPOUND REQUIRED FOR THE OPERATION OF THE CITY’S WATER PLANT, BY PIGGYBACKING THE CITY OF

PEMBROKE PINES PROCUREMENT AWARD UNDER RFP# PSUT-10-01 WITH ALLIED UNIVERSAL CORPORATION, AT A COST NOT TO EXCEED ONE HUNDRED THIRTY-TWO THOUSAND DOLLARS (\$132,000.00) PER YEAR, FOR A TWO (2) YEAR PERIOD

TAB G – PROPOSED RESOLUTION SUPPORTING THE EFFORTS OF STUDENTS WORKING AGAINST TOBACCO (SWAT) TO RESTRICT THE SALE OF FLAVORED TOBACCO PRODUCTS

TAB H – PROPOSED RESOLUTION ADOPTING AN AMNESTY PROGRAM TO WAIVE ALL PAST DUE BUSINESS TAX RECEIPTS INCURRED BEFORE OCTOBER 1, 2011; AND AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE AMNESTY PROGRAM

TAB I – RECOMMENDATION TO NAME DR. LARRY PIERRE TO NORTH MIAMI CITIZENS’ HALL OF FAME

Mayor and Council pulled Tab H and Tab I, for discussion. Council discussion. Michael A. Etienne, Esquire, City Clerk gave a brief report to Council regarding Tab H. Mayor Pierre gave a brief description to Council regarding Dr. Larry Pierre’s contributions to North Miami.

Mayor Pierre placed Tab H and Tab I, back into the Consent Agenda. Vice Mayor Marcellus moved to approve the Consent Agenda, Tabs A and I; passed 3-2. Councilman Blynn and Councilman Galvin denied.

PUBLIC HEARINGS – ORDINANCES, RESOLUTIONS, ZONING, LAND USE ITEMS, ETC.

LEGISLATIVE MATTERS

ORDINANCES – FIRST READING

TAB J - PROPOSED ORDINANCE (FIRST READING) AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED, “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 3, DIVISION 9 ENTITLED, “VACATION AND ABANDONMENT OF RIGHT- OF-WAY AND EASEMENTS”, SPECIFICALLY AT SECTION 3-901 ENTITLED, “PURPOSE AND APPLICABILITY”, SECTION 3-902 ENTITLED, “APPLICATION”, AND SECTION 3-903 ENTITLED, “STANDARDS”, IN ORDER TO REVISE THE DEVELOPMENT

STANDARDS CONTAINED THEREIN TO INCLUDE A PROVISION FOR APPRAISALS AND COMPENSATION FOR VACATED AND/OR ABANDONED CITY OWNED RIGHT-OF-WAYS AND EASEMENTS

Mr. Etienne read the Ordinance title for the record. Vice Mayor Marcellus moved to approve the Ordinance, seconded by Councilwoman Steril; for discussion. No public discussion. Council voted; passed unanimously, by roll call vote.

TAB L – PROPOSED RESOLUTION ADOPTING THE BLACK & VEATCH CORPORATION, RATE DESIGN ANALYSIS AND CONSERVATION BASED RATE STRUCTURE PLAN ENTITLED, “REVENUE REQUIREMENTS, COST OF SERVICE AND RATE DESIGN FOR WATER AND SEWER SERVICE”, FOR FISCAL YEARS 2012, 2013, 2014, 2015 AND 2016 AS PREPARED SPECIFICALLY FOR THE CITY OF NORTH MIAMI WATER AND SEWER COLLECTION AND TRANSMISSION SYSTEM; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT THE STATED RATE STRUCTURE PLAN

Mr. Etienne read the Resolution title for the record. Vice Mayor Marcellus moved to approve the Resolution, seconded by Mayor Pierre; for discussion. Public discussion. Council discussion. Stephen E. Johnson, City Manager, gave a brief report to Council. Councilman Blynn moved to table this matter. Councilman Galvin advised he also wanted to table the matter. Vice Mayor Marcellus withdrew the motion to approve and moved to defer the matter to the next Council meeting, seconded by Councilman Blynn; for discussion. Council discussion. Councilman Galvin called the question to vote on the motion to defer. Mayor Pierre asked for further discussion on the item. Councilman Galvin asked for clarification from Regine Monestime, City Attorney. Ms. Monestime advised the matter was still under discussion. Clerk Etienne advised that stated in the Ordinance, the Mayor is the presiding Chairman of the Council meeting. Council discussion.

Council recess, 8:22 pm.

Council meeting back in session, 8:36 pm:

Council discussion. Council voted; passed unanimously.

TAB K – PROPOSED ORDINANCE (FIRST READING) AMENDING CHAPTER 19 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “UTILITIES,” UNDER ARTICLE VIII, ENTITLED “ANNUAL UTILITY RATE INDEX ADJUSTMENT,” SPECIFICALLY AT SECTION 19-248, ENTITLED “RATE INDEX ADJUSTMENT” TO REPLACE THE USE OF THE CONSUMER PRICE INDEX (CPI) WITH A CONSERVATION BASED RATE STRUCTURE PLAN, AS ADOPTED BY RESOLUTION OF THE MAYOR AND CITY COUNCIL, IN COMPLIANCE WITH STATE AND LOCAL REGULATORY REQUIREMENTS

Councilman Galvin moved to defer Tab K and Tab M to the next Council meeting, seconded by Councilman Blynn; passed unanimously.

RESOLUTIONS

TAB L – PROPOSED RESOLUTION ADOPTING THE BLACK & VEATCH CORPORATION, RATE DESIGN ANALYSIS AND CONSERVATION BASED RATE STRUCTURE PLAN ENTITLED, “REVENUE REQUIREMENTS, COST OF SERVICE AND RATE DESIGN FOR WATER AND SEWER SERVICE”, FOR FISCAL YEARS 2012, 2013, 2014, 2015 AND 2016 AS PREPARED SPECIFICALLY FOR THE CITY OF NORTH MIAMI WATER AND SEWER COLLECTION AND TRANSMISSION SYSTEM; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT THE STATED RATE STRUCTURE PLAN

Taken out of order, see after Tab J.

TAB M - PROPOSED RESOLUTION REPEALING RESOLUTION NO. R-2011-110 TO ELIMINATE THE CAPITAL IMPROVEMENT ASSESSMENT FEES WITH A RESPONSIBLE BASE RATE ALLOWANCE FEE BASED ON CONSUMPTIVE WATER USAGE, AS PROPOSED BY THE “REVENUE REQUIREMENT, COST OF SERVICE, AND DESIGN FOR WATER SERVICES PLAN”, ADOPTED BY THE MAYOR AND CITY COUNCIL FOR FISCAL YEARS 2012, 2013, 2014, AND 2015; AND TO SET ASIDE A PORTION OF NET REVENUE TO REPLENISH THE CAPITAL IMPROVEMENT FUNDS USED TO RETIRE SEWER DEBT

Tab M continued to the next Council meeting, see under Tab K.

TAB N - PROPOSED RESOLUTION APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY'S 2010 ACTION PLAN AS AMENDED, TO INCORPORATE AN ADDITIONAL TARGET AREA (TARGET AREA #3) FOR THE NEIGHBORHOOD STABILIZATION PROGRAM THREE (NSP3) FUNDED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) UNDER THE DODD-FRANK ACT OF 2010

Mr. Etienne read the Resolution title for the record. No public discussion. Council discussion. Mr. Johnson gave a brief report to Council. Maxine Calloway, Community Planning & Development Director, gave a brief report to Council. Vice Mayor Marcellus moved to approve the Resolution, seconded by Councilwoman Steril; passed 4-1. Councilman Galvin denied.

CITIZENS' FORUM

A variety of residents spoke on issues of interest.

COUNCIL REPORTS

Various items of interest presented by Council.

Mr. Johnson and Ms. Monestime gave a brief report to Council regarding the proposed lease document for the property known as Biscayne Landing was incomplete, in draft form. Councilman Blynn moved to obtain a final lease document for the property known as Biscayne Landing. Council discussion. Mayor Pierre seconded the motion. Council voted; failed 2-2. Councilman Galvin and Vice Mayor Marcellus denied; Councilwoman Steril abstained from voting.

CITY CLERK'S REPORT

Mr. Etienne reviewed the Charter section regarding the Mayor as presiding officer at a Council meeting.

Mr. Etienne advised regarding vice mayor rotation, he reviewed the Charter section regarding an assistant Mayor provision but was not able to find any information regarding how the procedure for vice mayor rotation was instituted.

Mr. Etienne advised he received the recent appointment made by the Mayor and noted the appointment was properly vetted. Mayor Pierre moved to appoint L. B. McCoy to the Parks and Recreation Commission, seconded by

Councilman Galvin; passed unanimously.

Mr. Etienne reminded Mayor and Council of the procedure for appointments to various Boards and requested Mayor and Council provide names and contact information so that potential members can be sent an application by the City Clerk's office and vetted.

Mayor Pierre advised on the expiration of the current Vice Mayor, an election will occur to institute the next assistant mayor. Ms. Regine will have the matter on the next Council Agenda. Councilman Galvin asked if the title could be changed to vice mayor. Mr. Etienne advised he believed the title could be changed to vice mayor by ordinance.

CITY ATTORNEY'S REPORT

Ms Monestime advised she scheduled an Executive Session for the case styled as Hector Pineda v City of North Miami, on April 10, 2012, at 6 pm.

CITY MANAGER'S REPORT

Mr. Johnson advised the once blighted shopping center where Navarro is located is now completely rented; Whole Foods is moving forward with demolition of their site; and Pollo Tropical is completing the purchasing contract for their location.

Mr. Johnson advised the city continues to address matters regarding apartments along 6th Avenue.

ADJOURNMENT

Meeting adjourned at 9:17 p.m.